

Mitigation Update

December 22, 2015

The Wyoming Greater sage-grouse Core Area Protection strategy represents a proactive identification of a set of conservation actions to maintain and enhance a viable and connected set of populations before the opportunity to do so is lost (Doherty et al 2011). The strategy is based on the identification of important habitat areas for Greater sage-grouse and a set of actions that when taken are intended to ensure the long-term survival of Greater sage-grouse populations in Wyoming. The strategy follows an established hierarchy of *avoidance*, understanding that the primary mission is avoiding impacts to and protecting the best remaining habitat for Greater sage-grouse; *minimizing* impacts where they cannot first be avoided; and when Core Population Area thresholds are exceeded, *compensating* for any unavoidable impacts to Greater sage-grouse.

Avoidance

Preferred development plans avoid negative impacts in Core Population Areas and other Executive Order delineated habitats used by Core Population Area Greater sage-grouse. This maximizes protections for both Greater sage-grouse and sagebrush habitat. Avoidance can be both spatial and temporal.

Minimization

When development occurs within Core Population Areas and other Executive Order delineated habitats used by Core Population Area Greater sage-grouse, all reasonable options are pursued to minimize impacting additional suitable habitat and/or maintaining impacts below identifiable thresholds to the greatest extent possible. This may result in new disturbance within Core Population Areas, but the disturbance is managed not to exceed Executive Order thresholds and result in no discernible impacts at the population level. Development plans are managed to limit disturbance to less than 5% and no more than an average of one oil and gas pad or mining site per 640 acres within the Density Disturbance Calculation Tool (DDCT) project area.

Compensation

The complexity of developing compensatory mitigation projects that provide biologically meaningful benefits to Greater

sage-grouse populations requires rigorous standards for mitigation to be defined and developed. Performance standards (e.g., net benefit to Greater sage grouse), monitoring requirements, and adaptive management plans should explicitly link landscape conservation actions to Core Population Areas and other Executive Order delineated habitats used by Core Population Area Greater sage-grouse and statewide landscape conservation objectives for Greater sage-grouse.

The State of Wyoming recognizes compensatory mitigation as a strategy that should be used when avoidance and minimization are inadequate to protect Core Population Area Greater sage grouse. Any compensatory mitigation proposal must include approval from the State of Wyoming to assure the species considered is adequately protected, and that the benefits proposed for a species under the jurisdiction of the State of Wyoming are real, adequate, and fully realized prior to the time of acceptance.

Context

Compensatory mitigation in core/PHMA is allowed when the proponent has a valid right that does not have Greater Sage-grouse (GSG) stipulations and a federal and/or state permit is needed and the project cannot be located in a location so as to not exceed GSG thresholds or the project can demonstrate that the project will not impact core GSG populations.

Each of the threshold exceedences is assessed separately. The maximum assessment would be a sum of up to three threshold exceedences.

	Core Low Productivity ¹	Core Medium Productivity ¹	Core High Productivity ¹
Kernel Analysis Factor For Productivity	2	4	8
Penalty Within 0.6 mile NSO Per Acre	15	15	15
Total Debits ²	17	19	23
Penalty Major Road Inside 1.9 miles of lek Per Acre	15	15	15
Total Debits ²	17	19	23
Penalty Exceeds 5% Per Acre	15	15	15
Total Debits ¹	17	19	23
Penalty 1/640 Per Acre	15	15	15
Total Debits ²	17	19	23
Penalty TLS Per Rig/per season/per pad ³	15	15	15
Total Debits ²	17	19	23

¹ These categories will be visited every 5 years to evaluate the loss and gain of acreage within each category.

² Total is equal to penalty plus the Kernel Analysis Factor.

³ TLS exceptions in core area are limited to justification that less impact will occur with year round drilling. A sufficient monitoring plan must accompany the exception request.

	Non Core
Penalty Within 0.25 mile NSO Per Acre	10
Penalty TLS Per rig /Per Season	10